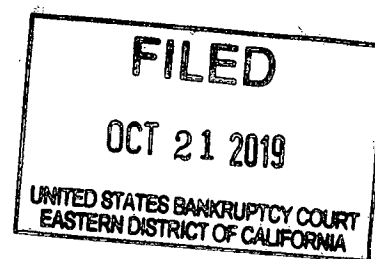


GAVIN MEHL
890 Wedge Wood Court
West Sacramento Cal. ~95605
Phone: (917) 304-6089

Debtor pro se.



**United States Bankruptcy Court
For The Eastern District of California**

In re:

GAVIN MEHL,

Debtor

GAVIN MEHL,

Plaintiff,

Vs.

THE JUDICIAL COUNCIL OF
CALIFORNIA, dba Yolo County
Superior Court, Hon. Peter M.
Williams, Hon. Stephen Louis Mock,
RAKESH VIJ and DOES 1-50,

Defendants

Jurisdiction: Court of Record¹ under Natural Law²

Bankr. No. 19-26296

Chapter 13

Adv. No. 19-2133

Action at Law³

VERIFIED COMPLAINT FOR DAMAGES;

- 1. CIVIL ACTION FOR DEPRIVATION OF RIGHTS**
- 2. CONSPIRACY AGAINST RIGHTS**
- 3. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**
- 4. AUTOMATIC STAY FIXED TILL JURY**

DEMAND FOR JURY TRIAL

1 "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

2 **Natural Law:** As distinguished from enacted positive law.

3 **AT LAW:** According to Natural Law independent of enacted law, by, for, or in law, particularly in distinction from that which is done in or according to equity - Hooker v. Nichols, 116 N.C. 157, 21 S.E. 208

NATURE OF THE CLAIMS

1. This is a civil action for deprivation of rights for declaratory, injunctive and equitable relief to keep the automatic stay in place pursuant to 11 U.S.C. § 362(h) and Article III Section 2 for violation of plaintiff's inalienable right of due process protected by the 5th and 7th Amendment.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 734 and 767, and 11 U.S.C. § 541.

3. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (E), (G), (H), (K), (N), and (O).

4. Pursuant to Fed. R. Bankr. Proc. 7012(b), to the extent that any non-core issues are determined in this action, Plaintiff consents to the entry of final orders and judgments by Court.

5. Plaintiff is informed and believes, and based thereon alleges that Defendants also consent to the entry of final orders and judgments by this Court as to non-core issues.

PARTIES

6. Plaintiff GAVIN MEHL ("**Plaintiff**") at all relevant times herein is and was the debtor in this Chapter 13 Bankruptcy Case Number 19-26296 (the "**Bankruptcy Case**"), which GAVIN MEHL ("**Debtor**") commenced on October 7, 2019 by filing a voluntary petition in this Court.

6. At all times relevant hereto, Plaintiff is domiciled in California and a state citizen.

7. At all material times, Defendant SUPERIOR COURT OF CALIFORNIA COUNTY OF YOLO dba Yolo County Superior Court is and was a corporation organized under the laws of the United States of America with its principal place of business and main office located in Woodland, California. Operating as a State Court with Sic Code 9211 under D&B Number's

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60-366-3915, 60-366-3949, 93-988-2478 and 01-967-7773

8. At all material times defendant Hon. Peter M. Williams is believed to be a citizen of State of California and the United States.

9. At all material times defendant Hon. Stephen Louis Mock is believed to be a citizen of the State of California and the United States.

10. At all material times defendant RAKESH VIJ is believed to be a citizen of the State of California and the United States.

PROCEDURE REQUIREMENTS

11. All conditions precedent to filing this suit, including any requirement of notice to any party, have been either satisfied or waived, or have become unnecessary because "it is reasonably certain" that any demand to compensate Plaintiff or otherwise correct the harm caused to Plaintiff "will be refused."

FACTS OF THE CASE

12. Plaintiff was sued for Unlawful Detainer On April 29, 2019 by RAKESH VIJ in THE JUDICIAL COUNCIL OF CALIFORNIA, dba Yolo County Superior Court located at 1000 Main Street Woodland, CA.

13. On August 13, 2019 Plaintiff filed a VERIFIED SHOW CAUSE DENIAL OF JURISDICTION Case No. UD19-879 (Exhibit A).

14. On September 18, 2019 Plaintiff filed AFFIDAVIT OF DEFAULT JUDGMENT in Case No. UD19-879 (Exhibit B).

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15. Debtor filed for Chapter 13 Bankruptcy protection on 10/7/2019 in said case.
16. Debtor filed Application for Services To Persons w/ Communication Disabilities 10/10/19.
17. Defendant set a Motion for Relief from Automatic Stay (Unlawful Detainer) for 10/22/2019 at 1:30 PM 500 I Street Sacramento Ca.
18. Debtor filed Opposition to Motion for Relief from the Automatic Stay on 10/18/19.
19. Debtor filed Notice of Intent to file Extraordinary Writ Quo Warranto 10/18/19.
20. Plaintiff comes now with this adversary proceeding for an order extending the automatic stay, declaratory and injunctive relief.

CAUSES OF ACTION

21. Plaintiff repeats and alleges all of the Paragraphs set forth above as though fully set forth.
22. Whereas; Plaintiff sues defendants, for reparations in this civil action for deprivation of rights pursuant to 42 U.S. Code § 1983; plaintiff being a natural person preserve's jurisdiction stated above in a court of law that proceeds according to Natural Law independent of enacted law.

42 USC 1983 Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress,...

FIRST CAUSE OF ACTION Conspiracy Against Rights [18 U.S.C. § 241]

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23. Defendants, having no agreement with plaintiff, conspired under color of law in a nisi prius de facto quasi court not of record proceeding "in equity" and not at law³ and did willfully injure, oppress, defraud and deprived plaintiff their unalienable right of due process, secured by the Bill of Rights, with the intent to proceed carrying plaintiff away to jurisdictions unknown.

24. Defendants are fraudulently denying plaintiff's unalienable right of due process⁴ in a court of record proceeding according to Natural Law protected by Amendments V and VII.

⁴"Law of the land," "due course of law," and "due process of law" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.

SECOND CAUSE OF ACTION
Deprivation of Rights under color of law;
[18 U.S.C. § 242]

25. Defendants failed to prove jurisdiction in SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF YOLO Case No. UD19-879.

26. Jurisdiction may never be assumed it must be substantively proven by a plaintiff-claimant. If not proven in a timely fashion, latches incurs. Latches is a species of action when a party of reasonable intelligence fails to take an action as prescribed by law and fails to do so.

27. Once jurisdiction is raised the burden is on the plaintiff to prove jurisdiction pursuant to McNutt v. General Motors Acceptance Corp., 298 U.S. 178 (1936).

18 USC 242 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the

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1 deprivation of any rights, privileges, or immunities secured or protected by the Constitution or
2 laws of the United States, or to different punishments, pains, or penalties, on account of such
3 person being an alien, or by reason of his color, or race, than are prescribed for the punishment of
4 citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily
5 injury results from the acts committed in violation of this section or if such acts include the use,
6 attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under
7 this title or imprisoned not more than ten years, or both; and if death results from the acts
8 committed in violation of this section or if such acts include kidnapping or an attempt to kidnap,
9 aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill,
10 shall be fined under this title, or imprisoned for any term of years or for life, or both...

11
12
13 **THIRD CAUSE OF ACTION**
14 **Automatic Stay to fixed till Jury trial;**
15 **[11 U.S.C. § 362(h)]**

16 28. Now and during the term of discovery of this adversary proceeding the automatic stay in
17 debtors bankruptcy is to stay in place till heard by a Jury trial.

18 29. Pursuant to 11 U.S.C. §(h)(1)(a). Debtor is required to file timely statements of intentions
19 and schedules pursuant to this section and Debtor agrees to do.

20 30. Debtor does not consent to summary proceeding in the Bankruptcy case and reserves all
21 rights without prejudice.

22 31. Debtor's rights to have a Jury Trial and know the nature and cause of the action by moving
23 party would be severely harmed should the stay not remain in place.

24 **PRAYER FOR RELIEF**

25 32. **Wherefore** plaintiff prays this court for an order enter judgment in their favor and against
26 Defendant, containing the following relief:

27 1 "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding
2 according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill,
3 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

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Nichols, 116 N.C. 157, 21 S.E. 208

- 1 A. An order extending the automatic stay in place in debtors bankruptcy until the
2 adversary proceeding is heard by a jury trial.
3
4 B. A declaratory judgment that the actions, conduct and practices of Defendant
5 complains of herein violate the laws of the United States.
6
7 C. An injunction and order permanently restraining Defendant from engaging in such
8 unlawful conduct;
9
10 D. An order directing Defendant to place Plaintiff in the position he would have
11 occupied but for Defendant's violations;
12
13 E. An award of restitution as follows: Each defendant is to pay restitution to plaintiff
14 in morgan silver dollars in the amount of \$1,000.00 face value each for violating
15 plaintiff's unalienable right of due process secured by the Bill of Rights.
16 Defendants, governed by USC Title 18, acted under color of law³ in one accord and
17 thereby a conspiracy in violation of 18 USC §241 and 18 USC §242. Plaintiffs are
18 not seeking prison sentences but only restitution as required by common law.

JURY DEMAND

19
20 33. Plaintiff hereby demands a trial by jury accordance with F.R.C.P 38(A)(B)(1)(2) (C) and 42
21 U.S.C. § 1981(c) (1) on all issues of fact and damages stated herein.

VERIFICATION

22
23
24 I GAVIN MEHL am the plaintiff in this action. I have personal knowledge of the facts stated in
25

26
27 1 "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding
according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill,
8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

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Nichols, 116 N.C. 157, 21 S.E. 208

1 this complaint, and if called as a witness, could and would testify competently thereto. I declare
2 under penalty of perjury under the laws of the California state that the foregoing is true and
3 correct and that this Verification was executed on October 21, 2019 at YOLO, California.
4

5 Respectfully Submitted,

6 :Gavin-gregory mehl. :copy-right/copy-claim:

7
8 :gavin-gregory : mehl. :copy-right/copy-claim.

9 Attorney in fact for the estate of GAVIN MEHL.

10 Without Prejudice
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27 1 "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding
28 2 according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill,
3 3 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

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EXHIBIT "A"

"A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

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FILED
YOLO SUPERIOR COURT
 AUG 13 2019
 BY D. KRAUSE



:gavin-gregory :mehl
 :core-claim:
 LIFE-LIFE-CLAIM: RF3151241503

:C S S C P S G OF THIS DOCUMENT-CONTRACT-POSTAL-VESSEL-COURT-VENUE.

Superior Court of California, County of Yolo

~1000 Main Street ~Woodland, ~California

5

:gavin-gregory :mehl.
 Petitioner

- Against -

Rakesh Vij
 Respondent

Jurisdiction: Court of Record, under
 the rules of Common Law
 Case Number: UD19-879
 Magistrate: Stephen Louis Mock

:Proof of the postal-vessel-service
 &: Perceptual-claim-number:

 RF315 124 455 US

VERIFIED SHOW CAUSE
DENIAL OF JURISDICTION

CALIFORNIA STATE)

) :ss¹

10 YOLO COUNTY)

I, :gavin-gregory :mehl, punctuate my name with a (:) because it creates a prepositional phrase. I use (-) to make my “:gavin-gregory” a compound fact. Followed with (:) to identify my surname. “For the gavin-gregory of the mehl family”. (:) are prepositional phrases to express a fact. An example of (:) is digital time; Power of Attorney and
 15 Executor for the decedent GAVIN MEHL (see PB-1948), one of the People² on California territory, with knowledge of Correct, Sentence, Structure, Communications, Parse, Syntax, Grammar, Performance; competent to [de]fend (parse no-fend, brackets

¹An affidavit uncontested un rebutted unanswered stands as truth. - United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982.

take off page) myself in a court of law, hereinafter petitioner, by special appearance³ for the purpose of testing the sufficiency of the jurisdiction of the above said court⁴;
 20 Petitioner has knowledge of how to certify facts (No law or fact shall be tried in court) using nouns and prepositional phrases to take jurisdiction in NOW-TIME-SENARIO (Quantum), however writes this petition with peaceful volition in adverb-verb, for common understanding.

Petitioner open's a court of record to move the above said court to a Court of Record⁵
 25 for cause and [dis]missal for lack of personam jurisdiction in violation of petitioner's right of due process in a Court not of Record. Under federal Law, which is applicable to all states, the U.S. Supreme Court stated: "If a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute
 30 no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers."⁶

Respondents are to show-cause by what 'constitutional' authority the above said court acts and why the attached violation(s) or charges against the petitioner should not be dismissed for lack of personam jurisdiction.

35 In the United States, before any court can have authority to hear a case, the court must have both in-personam and subject matter jurisdiction. Any court not a court of record⁷

5 **2PEOPLE:** People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgiaat 93]; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]: The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7].

10 **3A Special Appearance** is for the purpose of testing the sufficiency of service or the jurisdiction of the court; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction. - State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170.

4"Trial court acts without jurisdiction when it acts without inherent or common law authority, ..." State v. Rodriguez, 725 A.2d 635, 125 Md.App 428, cert den 731 A.2d 971,354 Md. 573 (1999).

15 **5County, State, or Federal Court**

6Basso v. UPL, 495 F. 2d 906; **Brook v. Yawkey**, 200 F. 2d 633; **Elliot v. Piersol**, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

20 **7COURTS OF RECORD and COURTS NOT OF RECORD** - The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; **The Thomas Fletcher**, C.C.Ga., 24 F. 481; **Ex parte Thistleton**, 52 Cal 225; **Erwin v. U.S.**, D.C.Ga., 37 F. 488, 2 L.R.A. 229; **Heininger v. Davis**, 96 Ohio St. 205, 117 N.E. 229, 231.

has no authority to proceed without the consent of the persons involved. A court of record is a superior court a court not of record is an inferior court. No judge or legislators can alter that which the People ordained, to alter is high treason.

- 40 1) Respondents, having no agreement with petitioner, conspired⁸ under color of law in a “nisi prius⁹ de facto¹⁰ quasi¹¹ court not of record proceeding in equity” and not at law;¹² depriving¹³ petitioner’s unalienable right¹⁴ of due process, secured by

25 **818 USC 241:** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

30 **9NISI PRIUS:** is a Latin term (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; Black's 5th “Prius” means “first.” “Nisi” means “unless.” A “nisi prius” procedure is a procedure to which a party FIRST agrees UNLESS he objects.; Blacks 4th - A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A “nisi prius court” is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

40 **10DE FACTO:** In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action, or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. 4 Bl.Comm. 77, 78. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260; Wheatley v. Consolidated Lumber Co., 167 Cal. 441, 139 P. 1057, 1059.

45 **11QUASI:** Lat. As if; almost as it were; analogous to. This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences between them. Bicknell v. Garrett, 1 Wash.2d 564, 96 P.2d 592, 595, 126 A.L.R. 258; Cannon v. Miller, 22 Wash.2d 227, 155 P.2d 500, 503, 507, 157 A.L.R. 530. Marker v. State, 25 Ala.App. 91, 142 So. 105, 106. It is often prefixed to English words, implying mere appearance or want of reality. State v. Jeffrey, 188 Minn. 476, 247 N.W. 692, 693.

50 **12AT LAW.** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.; **ALL CASES AT LAW.** [Black's Law 4th] Within constitutional guaranty of jury trial, refers to common law actions as distinguished from causes in equity and certain other proceedings. Breimhorst v. Beckman, 227 Minn. 409, 35 N.W.2d 719, 734. According to law; by, for, or in law; particularly in distinction from that which is done in or according to equity; or in titles such as sergeant at law, barrister at law, attorney or counsellor at law. Hooker v. Nichols, 116 N.C. 157, 21 S.E. 208.

55 **1318 USC 242** Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

60 **1442 USC 1983** Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in action at law, suit in equity, or other proper proceeding for redress...

the Bill of Rights, with the intent to proceed unlawfully carrying petitioner away to jurisdictions unknown.

- 45 2) "Service of an appearance ticket on an accused does not confer personal or subject matter jurisdiction upon a criminal court."¹⁵
- 3) "Trial court acts without jurisdiction when it acts without inherent or common law authority."¹⁶
- 50 4) "Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and maritime courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court."¹⁷
- 55 5) Respondents not being able to prove a claim and fiduciary authority over petitioner necessary for a lawful seizure of body and/or property in a court of record conspired and devise a plan under the color of law to bypass petitioner's unalienable right of "due process" in a court not of record in jurisdictions' unknown.
- 60 6) Respondents are fraudulently denying petitioner's unalienable right of due process¹⁸ in a court of record proceeding according to Natural Law protected by Amendments V and VII.
- 7) American courts are vested by the People, "*the author and source of law*,"¹⁹ through constitutions²⁰ ordained by the People. Therefore, a court must first have
65 "constitutional authority" over an individual before it can proceed.

¹⁵People v. Giusti, 673 N.Y.S.2d 824, 176 Misc.2d 377 (1998) "No valid conviction can occur if the charging instrument is void." State v. Wilson, 6 S.W.3d 504 (1998)

¹⁶State v. Rodriguez, 725 A.2d 635, 125 Md.App 428, cert den 731 A.2d 971, 354 Md. 573 (1999)

¹⁷Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).

70 ¹⁸"**Law of the land**," "due course of law," and "due process of law" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.

¹⁹"Sovereignty itself is, of course, not subject to law, for it is the author and source of law;" -- Yick Wo v. Hopkins, 118 US 356, 370.

²⁰That which is laid down, ordained, or established. Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

**THE COMMON LAW PERMITS THE DESTRUCTION OF
THE ABATEMENT OF NUISANCES BY SUMMARY PROCEEDINGS**

16 AMERICAN JURISPRUDENCE 2ND, SECTION 114: *"As to the construction, with reference to Common Law, an important cannon of construction is that constitutions must be construed to reference to the Common Law. The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to interfere with this established principle and although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood."*

COURT LACKS JURISDICTION

"No sanction can be imposed absent proof of jurisdiction."²¹ "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."²²

No court has discretion to ignore its lack of jurisdiction.²³ "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings."²⁴ "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court."²⁵ Therefore, "the burden shifts to the court to prove jurisdiction²⁶ on the record, all jurisdiction facts related to the jurisdiction asserted."²⁷

²¹Stanard v. Olesen, 74 S. Ct.768.

²²Ableman v. Booth, 21 Howard 506 (1859)

²³"There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

²⁴Hagans v. Lavine, 415 U. S. 533.

²⁵OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

²⁶Rosemond v. Lambert, 469 F2d 416.

²⁷Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150; Main v. Thiboutot, 100 S. Ct. 2502 (1980); "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732; "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846; "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and

“Where a court failed to observe safeguards, it amounts to denial of due process of law,
90 court is deprived of jurisdiction.”²⁸

In criminal cases, a court must have an indictment by an untainted (non-statutory) grand jury, in other words, the permission by the People to proceed. Furthermore, “all” state laws and constitutions are ultimately governed by the “Supremacy Clause” of the Constitution for the United States of America as ordained by the People in Article VI,
95 clause 2, that defines the “Law of the Land.” And, since Constitutions must be construed to reference the common law, summary proceedings²⁹ would deny petitioner’s 7th Amendment’s right³⁰ of trial by jury and, thereby, would be repugnant rendering any such decision null and void.

“Once challenged, jurisdiction cannot be ‘assumed’, it must be proved to exist.”³¹
100 “However late this objection has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction.”³² “If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed.”³³

105 Finally, jurisdiction cannot be decided by the court being challenged. This court must dismiss this case for lack of personam jurisdiction immediately or make an argument for jurisdiction in a court of record. Refusal by this court, not of record, to obey the law and pursue a voidable decision will cause the petitioner to move this case into a “court of record” for cause in violation of petitioner’s right of due process for damages and
110 dismissal.

a court must have the authority to decide that question in the first instance.” Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

28Merritt v. Hunter, C.A. Kansas 170 F2d 739.

90 29**Summary proceeding:** Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law. Sweet see Phillips v. Phillips, 8 N.J.L. 122.

30**Amendment VII** *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.*

95 31Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389.; Maine v. Thiboutot, 100 S. Ct. 250.; McNutt v. G.M., 56 S. Ct. 789,80 L. Ed. 1135.; Griffin v. Mathews, 310 Supp. 341, 423 F. 2d 272.; Basso v. U.P.L., 495 F 2d. 906.; Thomson v. Gaskiel, 62 S. Ct. 673, 83 L. Ed. 111.; and Albrecht v U.S., 273 U.S. 1,

32Rhode Island v. Massachussetts, 37 U.S. 657, 718, 9L.Ed. 1233 (1838).

33Louisville R.R. v. Motley, 211 U.S. 149, 29 S. Ct. 42

115 WHEREFORE, petitioner denies this court personam jurisdiction and moves this court to
cease and desist with prejudice from all actions against petitioner and restore the
petitioner to their original state for lack of constitutional authority and personam
jurisdiction. Failure of the officers of this court to comply with the "Law of the Land"³⁴
and their oath³⁵ to the Law will result in further action in federal court charging 18 USC
§241 conspiracy against Rights, 18 USC §242 deprivation of Rights, and restitution as
required by common law, and Fraud upon the court via judicial machinery.³⁶

120

31 July, 2019

Thumb-print SEAL

By: *Gavin-gregory mehl.*
Reserving all liberties, without Prejudice, Under Full Immunity / Non-Domesticated / Non-Resident, Non-Person, who the United States
COPY right/copy-claim:
:gavin-gregory :mehl :copy-right/copy-claim:,

125

~916 J Street ~Number 18

~Sacramento ~Cal. ~95814

Phone (916) 375-1598

Fax (916) 745-8591

130

100 34US Constitution Article VI Clause 2: This Constitution, and the laws of the United States which shall be made in pursuance thereof;
and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the
judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

105 35US Constitution Article VI Clause 3: The Senators and Representatives before mentioned, and the members of the several state
legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or
affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under
the United States.

110 36Fraud upon the court: In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "*Fraud upon the court is
fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or
perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed
his judicial function --- thus where the impartial functions of the court have been directly corrupted.*"



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Yolo

Subscribed and sworn to (or affirmed) before me on this 31
day of July, 2019, by Gavin G. Mehl

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.

 GICEL DAVILA
COMM. #2185654
NOTARY PUBLIC - CALIFORNIA
YOLO COUNTY
(Seal) My Commission Expires 03/24/2020
Signature 

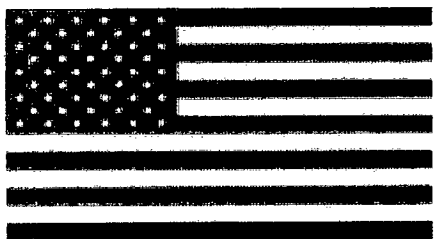
:gavin-gregory :mehl.
:copy right/copy claim:

EXHIBIT "B"

1 "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding
according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill,
8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

2 **Natural Law:** As distinguished from enacted positive law.

3 **AT LAW:** According to Natural Law independent of enacted law; by, for, or in law; particularly in distinction from that which is done in or according to equity - Hooker v.
Nichols, 116 N.C. 157, 21 S.E. 208



FILED
YOLO SUPERIOR COURT
SEP 18 2019
BY V. NAVARRO
DEPUTY

:C S S C P S G OF THIS DOCUMENT-CONTRACT-POSTAL-VESSEL-COURT-VENUE.

Superior Court of California, County of Yolo

~1000 Main Street ~Woodland, ~California

5

:gavin-gregory :mehl.
Petitioner

- Against -

Rakesh Vij
Respondent

Jurisdiction: Court of Record, under
the rules of Common Law¹

Case Number: UD19-879

Magistrate: Stephen Louis Mock

:Proof of the postal-vessel-service
&: Perceptual-claim-number:

RF 315 124 455 US

**AFFIDAVIT OF
DEFAULT JUDGMENT**

CALIFORNIA STATE)

) :SS²

YOLO COUNTY)

10

I, :gavin-gregory :mehl., Affiant, hereinafter petitioner, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

¹ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

² An affidavit uncontested un rebutted unanswered stands as truth. - United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982.

15 **WHEREAS:** on August 13, 2019 petitioner filed a "Motion to Show Cause"; in the
 above stated court and served the respondent(s), Rakesh Vij who has failed to answer on
 behalf have of the jurisdiction of the court and defend the above case. The record shows
 that no affidavit has been filed from an injured party. The US Supreme Court has
 properly concluded that Jurisdiction can be challenged at any time even after the case
 20 has concluded.

It well settled by the Supreme Court that an Attorney can not testify or enter
 affidavits, he has no first hand knowledge. No respondent made any Return; no
 respondent requested more time to answer; and, no respondent provided any objection
 to the proceedings. Therefore a summary judgment for default is in order and,

25 **THEREBY:** law requires the court of origin to abate at law; and, release of restraint on
 both person and property.

30 **Default Judgment - Entering a Default:** *"When a party against whom
 a judgment for affirmative relief is sought has failed to plead or
 otherwise defend; and, that failure is shown by Affidavit or otherwise
 [under seal], the clerk must enter the party's default."* FRCP Rule 55(a);
FRCP Rule 58(b) (2); 28 U.S.C. §2243.

SEAL

:gavin-gregory :mehl. :copy-right/copy-claim:

By: Reserving all Rights, without Prejudice, Under Full Immunity, Non-Appeal, Non-Default, Non-Resident, Non-Petition, into the United States 28 USC 1746 (1)

:gavin-greogry :mehl. :copy-right/copy-claim:

35

In pro per